

By: Ellis, et al.

S.B. No. 560

Substitute the following for S.B. No. 560:

By: Hartnett

C.S.S.B. No. 560

A BILL TO BE ENTITLED

1

AN ACT

2 relating to reimbursement for jury service.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 61.001, Government Code, is amended to
5 read as follows:

6 Sec. 61.001. REIMBURSEMENT OF EXPENSES OF JURORS AND
7 PROSPECTIVE JURORS. (a) Except as provided by Subsection (c), a
8 person who reports for jury service in response to the process of a
9 ~~[Each grand juror or petit juror in a civil or criminal case in a~~
10 ~~district court, criminal district court, county court, county court~~
11 ~~at law, or justice]~~ court is entitled to receive as reimbursement
12 for travel and other expenses an amount:

13 (1) not less than \$6 for the first day or fraction of
14 the first day the person is in attendance in court in response to
15 the process and discharges the person's duty for that day ~~[served as~~
16 ~~a juror]~~; and

17 (2) not less than \$40 for each day or fraction of each
18 day the person is in attendance in court in response to the process
19 ~~[served as a juror]~~ after the first day and discharges the person's
20 duty for that day.

21 (b) In preparing and approving the annual budget for a
22 county, the ~~[Except as provided by Subsection (d), a person who~~
23 ~~responds to the process of a court but is excused from petit jury~~
24 ~~service by the court for any cause after the person's voir dire~~

1 ~~examination is entitled to receive as reimbursement for travel and~~
2 ~~other expenses an amount not less than \$6 nor more than \$50 for each~~
3 ~~day or fraction of each day in attendance in court in response to~~
4 ~~the process.~~

5 ~~[(c) The]~~ commissioners court of the ~~[each]~~ county shall
6 determine ~~[annually]~~ the daily amount of reimbursement for ~~[of]~~
7 expenses for a person who reports for jury service and discharges
8 the person's duty ~~[jurors]~~. The amount of ~~[Except as provided by~~
9 ~~Subsection (d), the]~~ reimbursement for each day must be within the
10 minimum and maximum amounts prescribed by this section and paid out
11 of the jury fund of the county. The commissioners court may set
12 different daily amounts of reimbursement ~~[reimbursements]~~ for:

13 (1) grand and petit jurors; or

14 (2) different petit jurors based on:

15 (A) whether a juror serves in a small claims
16 court, justice court, constitutional county court, county court at
17 law, or district court; or

18 (B) any other reasonable criteria determined by
19 the commissioners court.

20 (c) A person who reports for jury service in a municipal
21 court is not entitled to reimbursement under this chapter, but the
22 municipality may provide reimbursement for expenses to the person
23 in an amount to be determined by the municipality.

24 (d) [(c-1)] In a specific case, the presiding judge, with
25 the agreement of the parties involved or their attorneys, may
26 increase the daily amount of reimbursement for a person who reports
27 for jury service ~~[jurors]~~ in that case ~~[to an amount not to exceed~~

1 ~~the maximum amount prescribed by this section]~~. The difference
2 between the usual daily amount of reimbursement and the daily
3 amount of reimbursement for a person who reports for jury service
4 [~~jurors~~] in a specific case shall be paid, in equal amounts, by the
5 parties involved in the case.

6 ~~[(d) The commissioners court of a county may reduce or~~
7 ~~eliminate the daily reimbursement prescribed by this section for~~
8 ~~persons who attend court for only one day or a fraction of one day.~~
9 ~~The funds retained by a county as a result of reducing or~~
10 ~~eliminating reimbursement as provided by this subsection may only~~
11 ~~be used to increase the daily reimbursement prescribed by this~~
12 ~~section for jurors and for persons who attend court for more than~~
13 ~~one day.]~~

14 (e) A check drawn on the jury fund by the district clerk of
15 the county may be transferred by endorsement and delivery and is
16 receivable at par from the holder for all county taxes.

17 (f) A reimbursement for expenses under this section is not a
18 property right of a person who reports for jury service [~~juror or~~
19 ~~prospective juror~~] for purposes of Chapters 72 and 74, Property
20 Code. If a check or other instrument representing a reimbursement
21 under this section is not presented for payment or redeemed before
22 the 90th day after it is issued:

23 (1) the instrument is considered forfeited and is
24 void; and

25 (2) the money represented by the instrument may be
26 placed in the county's jury fund, the county's general fund, or any
27 other fund in which county funds can be legally placed, at the

1 discretion of the commissioners court.

2 SECTION 2. Chapter 61, Government Code, is amended by
3 adding Section 61.0011 to read as follows:

4 Sec. 61.0011. DEFINITION OF PERSON WHO REPORTS FOR JURY
5 SERVICE. In this chapter, the term "person who reports for jury
6 service" means a person who reports in person for duty on a grand
7 jury or a petit jury, regardless of whether the person is selected
8 to serve on the jury.

9 SECTION 3. Subsection (a), Section 61.0015, Government
10 Code, is amended to read as follows:

11 (a) The state shall reimburse a county \$34 a day for the
12 reimbursement paid under Section 61.001 to a person who reports for
13 jury service in response to the process of a court [~~grand juror or~~
14 ~~petit juror under Section 61.001~~] for each day or fraction of each
15 day [~~served as a juror~~] after the first day in attendance in court
16 in response to the process.

17 SECTION 4. Subsections (a) and (c), Section 61.002,
18 Government Code, are amended to read as follows:

19 (a) If a civil case is moved by change of venue and tried in
20 another county by a jury, the county in which the case was
21 originally filed is liable for the payment of persons who report for
22 jury service for [~~jurors serving in the trial of~~] the case.

23 (c) The commissioners court shall prepare an account
24 against another county that is liable for the payment of persons who
25 report for jury service [~~jurors~~] in a case transferred on a change
26 of venue. The account must show the number of days that each person
27 who reported for jury service was in attendance in court in response

1 to the process and discharged the person's duty [~~the jury served~~]
2 and the amount paid as reimbursement under this chapter [~~for jury~~
3 ~~service~~] in the case.

4 SECTION 5. Section 61.003, Government Code, is amended by
5 amending Subsections (a), (b), and (c) and adding Subsection (a-1)
6 to read as follows:

7 (a) Each person who reports [~~prospective juror reporting~~]
8 for jury service shall be personally provided a form letter that
9 when signed by the person [~~prospective juror~~] directs the county
10 treasurer to donate all, or a specific amount designated by the
11 person, of the person's daily [~~prospective juror's~~] reimbursement
12 under this chapter [~~for jury service~~] to:

13 (1) the compensation to victims of crime fund under
14 Subchapter B, Chapter 56, Code of Criminal Procedure;

15 (2) the child welfare board of the county appointed
16 under Section 264.005, Family Code;

17 (3) any program selected by the commissioners court
18 that is operated by a public or private nonprofit organization and
19 that provides shelter and services to victims of family violence;
20 or

21 (4) any other program approved by the commissioners
22 court of the county.

23 (a-1) The form letter provided under Subsection (a) must
24 include a blank in which a person may enter the amount of the daily
25 reimbursement the person wishes to donate.

26 (b) The county treasurer or a designated county employee
27 shall collect each form letter directing the county treasurer to

1 donate the [~~a prospective juror's~~] reimbursement of a person who
2 reports for jury service.

3 (c) The county treasurer shall:

4 (1) send all donations made under Subsection (a)(1) to
5 the comptroller, at the time and in the manner prescribed by the
6 attorney general, for deposit to the credit of the compensation to
7 victims of crime fund;

8 (2) deposit donations made to the county child welfare
9 board under Subsection (a)(2) in a fund established by the county to
10 be used by the child welfare board in a manner authorized by the
11 commissioners court of the county; and

12 (3) send all donations made under Subsection (a)(3) or
13 (a)(4) directly to the program specified on the form letter signed
14 by the person who reported for jury service [~~prospective juror~~].

15 SECTION 6. The change in law made by this Act applies only
16 to a person summoned to appear for jury service who is required to
17 appear on or after the effective date of this Act. A person
18 summoned to appear for jury service who is required to appear before
19 the effective date of this Act is governed by the law in effect on
20 the date the person is required to appear, and the former law is
21 continued in effect for that purpose.

22 SECTION 7. This Act takes effect September 1, 2007.